CALIFORNIA URBAN WATER AGENCIES
COMMENTS ON CALFED FRAMEWORK FOR ACTION
July 24, 2000

California Urban Water Agencies (CUWA) represents water supply agencies which serve 22 million Californians. CUWA has been a key participant in Bay-Delta technical and policy issues for over a decade, and in the CALFED process since its beginning.

CUWA supports the program set forth in the CALFED Framework for Action. These comments address a few areas of particular interest to CUWA member agencies that are not emphasized in the comments of other stakeholders.

1. Drinking Water Quality Milestones

The Framework for Action includes CALFED's long-term goals for drinking water quality improvement. However, the Framework makes no reference to the interim water quality milestones which CALFED committed to develop in its June 1999 Phase II Report. CUWA has previously recommended the following water quality milestones:

a)	by 2002:	bromide concentration < 300 μg/L TOC concentration < 4.0 mg/L
b)	by 2005 - 2007:	bromide concentration < 100-150 μg/L TOC concentration < 3.5 mg/L
c)	by 2007:	total dissolved solids < 220 mg/L
d)	by full implementation:	total dissolved solids < 150 mg/L

The milestones were based on specific assumptions about the future state of drinking water treatment technology and regulations, including the Stage 2 Disinfectants/Disinfection by-Products (D/DBP) Rule. Although there is still substantial uncertainty surrounding these assumptions, some elements of the Stage 2 D/DBP Rule are emerging through the current FACA process.

Although the Federal Advisory Committee Act (FACA) negotiators have agreed that Stage 2 will retain many of the numerical D/DBP standards established in Stage 1 (i.e., 80 μg/L total trihalomethanes [TTHMs], 60 μg/L for the sum of five haloacetic acids [HAA5]), the more stringent compliance requirement, based on a Location Running Annual Average (LRAA) (i.e., elimination of spatial averaging in the distribution system), will *de facto* require greater control of DBP precursors (i.e., total organic carbon [TOC] and bromide). For example, nationwide analyses in support of the FACA negotiations have shown that a 80 μg/L LRAA for TTHMs is equivalent to a 67 μg/L (or lower) standard under the current RAA compliance requirement. Precursor control will, therefore, be similar to what would have been required had the Stage 2 standards been lowered to the levels used by CUWA in developing its intermediate water quality performance measures.

Other elements of the Stage 2 Rule are less certain. Because of the growing body of research evidence that brominated DBPs (e.g., bromate, bromodichloromethane) may pose a greater health risk than other DBPs, it is likely the Stage 1 standard will be lowered in Stage 2, or in subsequent stages of EPA efforts to control D/DBP levels in drinking water. For example, the FACA is considering lowering the bromate standard from 10 to 5 µg/L.

Given the uncertainty over what level of precursor control will be required in Stage 2 and subsequent D/DBP regulations, it is prudent that CALFED use CUWA's intermediate water quality performance measures to protect Delta source water from degradation. However, according to analysis conducted by the Technology Workgroup in support of the FACA, all of the plants nationwide that have a bromate problem have average yearly bromide concentration >100 µg/L except for one plant. Conversion of bromide to bromate is less than 5 percent based on current treatment (e.g., *Giardia* inactivation). This will increase if applied ozone doses are to meet *Cryptosporidium* inactivation. The FACA has agreed that a certain percentage of surface-water systems, as part of the Long-Term 2 Enhanced Surface Water Treatment Rule (LT2ESWTR), will be required to inactivate *Cryptosporidium*. Additionally, these performance measures provide CALFED and drinking water agencies the planning and implementation flexibility needed to ensure the continued protection of public health.

The uncertainty surrounding future drinking water regulations and water treatment technology does not eliminate the need for interim milestones – it simply means that the milestones may need to be revised as additional information becomes available. It is important that the ROD/NOD identify interim milestones that are tied to agencies' ability to cost-effectively comply with drinking water regulations. We recommend that CALFED incorporate the interim milestones recommended by CUWA in the ROD/NOD, with the caveat that the milestones may be adjusted based on future health effects research, drinking water regulations and the developments in drinking water treatment technology.

2. Drinking Water Program Actions

The CALFED Framework for Action includes an aggressive mix of water quality improvement actions to be implemented in conjunction with storage and conveyance improvements to achieve CALFED's water quality improvement goals. The final CALFED ROD/NOD must include commitments for timely implementation of a combination of actions that will maximize water quality benefits and support the efforts of urban water agencies to meet anticipated more stringent drinking water regulations in a cost-effective manner.

The table in Appendix 1 includes CUWA's specific comments and clarifications regarding the scheduling of CALFED actions to ensure the following:

a) The feasibility and cost-effectiveness of the different water quality improvement strategies are determined by May 2002 when the Stage 2 Disinfectants/Disinfection By-products (D/DBPs) Rule and Long Term 2 Enhanced Surface Water Treatment Rule (LT2ESWTR) are promulgated.

b) Sufficient information is available for CALFED assessment and decision processes in late 2002.
c) Sufficient information is available by 2002 for decisions by drinking water agencies that rely on Delta water supplies, regarding their future investments to meet drinking water regulations and water supply reliability needs.
d) Balanced implementation of the CALFED drinking water improvement strategy.
e) Bundling of actions to ensure balanced implementation of CALFED Program areas.

Appendix 1 also includes estimates of funding needed for many of the water quality, storage and conveyance actions, with particular emphasis on funding needed for the first year of implementation. Funding for year 2001 activities must be allocated by early 2001 to ensure that implementation of priority actions proceeds in a timely manner.

While the table will need refinement, it nevertheless presents the necessity for CALFED to develop a Stage 1 project implementation schedule that accommodates EPA's drinking water quality regulatory schedule.

3. Conservation and Recycling

a) CUWA applauds CALFED's policy of promoting water use efficiency through incentive-based programs, based primarily on grants to local water providers, backed up by loans and technical assistance. Water use efficiency measures must be cost-effective and appropriate at the local level. However, CUWA believes there should be more emphasis placed on grants, rather than loans, to ensure water use efficiency objectives are met. In addition, CALFED must recognize that significant levels of new funding will be required to achieve the aggressive urban water conservation and recycling targets contained in the Framework.

b) Regarding the proposed certification process, CUWA believes that CALFED inadvertently identified the Urban Water Management Plan as the subject of certification. Rather, we believe CALFED intended to adopt a certification process for the Best Management Practices (BMPs) under the Urban MOU. CUWA, in concert with the Environmental Water Caucus, has developed a BMP certification framework. However, CUWA can support implementation of the BMP certification framework only if it is implemented through legislation as part of a complete package of solutions that meet all of the objectives of CALFED. CUWA stands ready to work with CALFED and other interested parties to complete this certification process on an appropriate time frame consistent with the overall CALFED program approval, rather than by the end of 2002 as stated in the Framework.

c) CUWA supports the CALFED policy of encouraging investments in water use efficiency through a competitive grant/loan program. However, we believe that in that process CALFED should promote regional recycling projects that would provide multiple benefits to broad regions of the state. The following language should be included in the

ROD/NOD to ensure appropriate recognition of regional recycling programs and CALFED's intention to fund such programs.

- *CALFED recognizes the importance of regional water recycling programs, such as the Bay Area Regional Water Recycling Program (BARWRP) and the Southern California Comprehensive Water Reclamation and Reuse Study (SCCWRRS), and will provide funding for new regional water recycling initiatives in addition to supporting existing regional programs during Stage 1.*

- *A regional approach to water recycling can maximize the cost-effective yield of recycled water and provides long-term benefits for realizing goals set by CALFED. Therefore, CALFED will work with stakeholders to create cost-effectiveness criteria, building on approaches that have been previously developed for regional water recycling programs, that include the costs and benefits of water recycling programs on a regional scale.*

4. Programmatic Assurances for Implementation of all Stage 1 Projects

CUWA is concerned that the framework document does not include adequate programmatic assurances language to provide for long-term stability and success of the CALFED program. Since, during the early years of Stage 1, operations in the Delta will remain essentially the same as they are today, the current no-jeopardy biological opinions – which rely on the Accord operational requirements – should remain the basis for no-jeopardy determinations. The other water assets such as b(2), EWA, ERP, should be described as being dedicated to help recover listed species and to protect water users' supplies from the effects of new listings, incidental take reduction actions, and other programs to improve fishery resources.

Furthermore, the ROD/NOD needs to clarify that the programmatic ESA protections extend to cover the projects listed in the Framework, recognizing that individual projects will undergo site-specific environmental review. An explicit agreement between regulatory agencies, the Department of Water Resources, and the U.S. Bureau of Reclamation needs to be incorporated in the ROD/NOD specifying the intended assurance terms and conditions for the initial four years and beyond. The assurances agreement must explicitly recognize that Endangered Species Act (ESA) fish "take" related actions are addressed through the establishment of, and will be the responsibility of, the Environmental Water Account.

In addition, the Framework contains a general statement of intent regarding the extension of assurances beyond the first four years. Clarification of the circumstances for extension or non-extension is needed in the ROD/NOD. Short of a jeopardy situation for fish, the same terms for assurances should be granted for the remainder of Stage 1.

<u>CUWA believes the following language should be included in the ROD/NOD:</u>

The CALFED Stage 1 Program anticipates the implementation of a suite of projects and programs to improve the quality, quantity, and reliability of water supplies and to protect

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and restore the environment. The CALFED agencies have made an assessment of ESA requirements associated with the implementation of the Stage 1 facilities and actions. The amount of water available for environmental purposes, including the current ESA and baseline requirements, CVPIA b(2) water, the EWA assets, and water to be developed through the ERP, has been determined to be sufficient to support the continuance of the current no jeopardy opinions as the regulatory basis for implementing the Stage 1 programs and associated projects, and achieving anticipated water quality, quantity, and supply reliability objectives.